THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17064 of 2005

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WEDNESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

Smt.T.Nagamani, w/o Nagabhushanam,
Lakudaram Village, Kondapak Mandal, Medak District.

..... PETITIONER

AND

1 The Joint Collector, Medak District at Sangareddy.
2 The Revenue Divisional Officer, Siddipet, Medak District.
3 The Mandal Revenue Officer, Kondapak, Kondapak Mandal, Medak District.

.....RESPONDENTS

The Court, at the stage of admission, made the following:

Oral order:-

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies for respondents.

By the order dated 01-07-2005 of the 2nd respondent, the authorization of the petitioner, a fair price shop dealer of Lakudaram village, Kondapak Mandal, Medak district, was cancelled on the ground that the charges leveled against her in respect of certain specified irregularities by the show cause notice dated 06-04-2005, have been substantiated. It requires to be noticed that the order of cancellation does not set out any reasons or analysis of the evidence on record, but merely records the conclusions without a rational consideration of the petitioner's explanation. However, as against the order of cancellation, the petitioner preferred an appeal to the 1st respondent being Appeal No. 26/A of 2005 under Paragraph 17 (1) of Andhra Pradesh Scheduled Commodities (R.D.C.S.) Order, 1973. Along with appeal, the petitioner also preferred an application for interim stay of the order of cancellation of authorization. The appeal was preferred on 18-07-2005. The petitioner's complaint is that the 1st respondent has not as yet considered and disposed of either the appeal or the application for interim relief. The petitioner also states that the Mandal Revenue Officer, Kondapak in his report dated 09-05-2005 bearing reference No. D/137/2005 stated that his inquiry revealed that no irregularities committed by the petitioner and that in the inquiry conducted by the M.R.O., no allegations were made against the petitioner, but despite the report, the orders of cancellation have been

issued by the 2nd respondent.

In view of the fact that the petitioner has preferred an appeal to the 1st respondent against the orders of cancellation of authorization, the merits of the order of cancellation cannot be gone into by this court, as the petitioner had preferred the alternative remedy. The 1st respondent is required to expeditiously consider and dispose of the appeal.

Accordingly, the writ petition is disposed of directing the 1st respondent, expeditiously, in any event, within a period of two weeks from the date of receipt of a copy of this order, to consider and dispose of either the appeal or the application for interim relief by recording reasons for the decision. The decision of the 1st respondent in this regard shall be communicated to the petitioner within the aforesaid time. No costs.

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GODA RAGHURAM, J

Dt. 03-08-2005

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